GOVERNMENT OF MADRAS. Sectt. II 28—30,006—4-1-52.

7981 (1954) Department.

Passed SM

Endorsement
D.O.
Memorandum
Lodged

No. 41337 A111/52-1

Dated 26-6-1954.

35

FURTHER PAPERS.

Department.	Number.	Series.	Date.
Civil + South Kanara Dist. — Mangalore Taluk — Hosabettu village S.R. No 741/52 on the Dist Munsiff of Mangalore Govt. pleader's fee + payment at enhanced rate + Sanction Requested.			

BOARD OF REVENUE (CIVIL SUPPLIES).

**

SUITS - South Kanara district - Mangalore taluk - Kosabettu village S.C.No. 741/52 on the District Munsiff of Mangalore - Government Pleaders' fee - payment at enhanced rate - sanction - Requested.

-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-

Board's Ref.No. 12576/M4/54-1 (CS) dated 25.3.54.

..

From

Sri M.V. Subramanian, I.C.S.,
Commissioner of Civil Supplies.

..

Sri K. Suppa Menon, I.A.S.,
Secretary to the Commissioner of
Civil Supplies & Food Production.

..

FOURTH ASSISTANT SECRETARY
31 MAR 1954
AGRICULTURE DEPARTMENT

Read: From the Collector of South Kanara Ref. Sol. CB.17/53 A.3. dated 13-2-1954.

..

A copy of the Collector's report cited together with the copies of the decree and the judgment and also a copy of the letter received from the Government Pleader, Mangalore are submitted to the Government. The Board endorses the Collector's recommendation that the Government Pleader may be paid a fee of Rs. 30/- as a special case for defending the above suit.

41337 FOR SECRETARY. 29 3 54

To

The Secretary to Government,
Agriculture department, Madras (with enclosure).

Ek 25.3.54. 29354

IN THE COURT OF THE PRINCIPAL SMALL CAUSE JUDGE AT MANGALORE

Present: Sri K. Chandrashekara Hegde B.A.L.L.B.
Principal Small Cause Judge.

..

Thnusday the 23rd day of July, 1953.

Small cause suit No. 741 of 1952.

Between:

H.Srinivas Rao Plaintiff.

and

Provincial Government and State of Madras represented by the Collector of South Kanara district. Defendant.

..

This suit coming on for final disposal on the 10th day of July, 1953 before me in the presence of Sri K. Narasimha Holla advocate for the plaintiff and of Sri B. Gangadhar Das, Government Pleader and advocate for the defendant and having stood over till this day for consideration the court delivered the following:

Judgment

This is a suit to recover a sum of Rs. 178-3-0 being the damages caused to the plaintiff on account of the negligence of the defendant in not taking delivery of the rice and paddy in time and also claiming room rent due to the plaintiff.

2. The material plaint allegations are: that the plaintiff was a Ration shop keeper holding licence No. 51 for the ration shop maintained by him in Hosabettu village. The plaintiff was a Ration shop keeper since 1944 till 1-1-1951. On 1-1-1951 he was holding a stock of 25 muras 33 seers and 1½ pavus of rice and 6 muras of paddy. Since 1-1-1951 the rice was lying in his depot though the Government was bound to take the rice immediately the distribution of rice was stopped. Again on 12-5-51 the plaintiff's shop was converted into a fair price shop and 11 essential card holders of Hosabettu village were issued rations till 26-8-51. Since 1-1-51 no rice was issued from the ration shop to the public. The plaintiff sent petition on 3-1-1951 to the Tahsildar of Mangalore and District Supply Officer South Kanara either to take delivery of the rice or issue directions as to what he should do with the stock. As he received no reply once again he filed a petition on 24-1-1951 to the Collector South Kanara which was without any response. On 7-7-1951 the Revenue Inspector of Surathkal in L.Dis. I.R.No. 13/1951 asked the plaintiff to transfer the stock to Surathkal Cooperative Stores without issuing any Ration authority from the Taluk Supply Officer. So again, on 9-7-1951, the plaintiff filed a petition before the Collector of South Kanara soliciting direction as to what he should do with the stock of rice and at last on 26-8-1951 the plaintiff received the Ration Authority No. 310 dated 24-8-1951 of the Taluk Supply Officer and as per the Authority, he transferred the stock to the Surathkal Surathakal Co-operative Stores. While transferring the stock it was noticed that there was a shortage of 21 seers of raw rice 3 muras and 9.¾ seers of boiled rice, 2 muras and 3½ seers of paddy on the entire stock. As the said s/

n.t.o.

was in the godown of the plaintiff for nearly 9 months the condition of rice has considerably deteriorated at the time of the transfer due to natural causes. This shortage was deliberately caused due to the negligence of the authorities of the defendant failing to issue orders to transfer the stock in spite of repeated requests made by the plaintiff. The value of rice so deteriorated is Rs. 83-2-3 and the defendant is bound to pay it as damages with interest at 6¼ per cent per annum from 26-8-1951 till payment. A notice under section 80 of the C.P. code has been sent to the defendant. The Plaintiff contends that he ceased to be a ration shop keeper from 1-1-51 but was compelled to keep the said stock of rice in his own godown since 1-1-1951. The rice was so held for the defendant, and hence the defendant is liable to pay the rent of the godown at Rs. 8-0-0 per month for 8 months from 1-1-1951 to 26-8-1951. As the defendant failed to pay the same, the plaintiff is constrained to file this suit.

3. The defendant has filed a written statement contending that the Government was not bound to take delivery of the rice immediately as they had to finalise the work connected with derationing and also in view of the idea of converting some ration shops into fair price depots. The plaintiff's shop was converted into a fair price shop for card holders for the essential services which continued till 26-8-1951. The Revenue Inspector of Surathkal has directed the plaintiff to transfer the stock held by him at that time to Surathakal Co-operative Stores. But is is not true to say that any Ration Authority was necessary to transfer the stock to the said stores and that the Stores refused to take delivery. The plaintiff deliberately disobeyed the orders of the Revenue Inspector and postponed the transfer of the stock to the Surathakal stores with the idea of seeing as to whether he would be appointed as a Fair Price depot agent for which he was trying. The defendant does not admit the shortage nor the explanation that the shortage was the result of deterioration due to efflux of time and due to natural causes, tenable under the circumstances especially when he was dealing with the stock till 26-8-1951. The said shortage was deliberately shown to cover up the misappropriation done by the plaintiff in respect of that quantity of rice and paddy. The plaintiff has filed this false suit after action was taken against him by the A.T.S.O. who after enquiry recommended that a sum of Rs. 50-0-0 from his security deposit should be forfeited as per his report dated 25-10-1951 and after he was excused in this connection later on. The indent prepared by the plaintiff for the week ending on 8-7-51 is sufficient proof of the falsity of the plaintff's claim. On the said indent, the plaintiff has only claimed a shortage of 3 seers and 7/8 pavus. The defendant is not liable to pay any rent to the plaintiff as it was part of the agreement that he should make his own arrangements for the custody of the rationed articles as dealer and he had continued to be such a dealer till 26-8-1951 and hence he has to pay rent himself till that period. In any case, the rental claimed is excessive. The Provincial Government is not at all responsible or liable for any of the illegal acts if any done by its servants. The notice given to the defendant under section 80 of C.P.C. is not in accordance with law and this suit is bound to fail on that account also. This court has no jurisdiction to entertain this suit.

4. The following points arise for determination in this Court.

1. Whether the plaintiff is entitled to claim rent from 1-1-1951 to 26-8-1951 ?

2. Whether the shortage of 3 muras 30.3/4 seers of rice and 2 muras and 2¼ seers of paddy is true and if so whether the plaintiff is entitled to claim the value thereof?

3. Whether the notice issued under section 80 of C.P. Code is not in accordance with law?

4. Whether this court has no jurisdiction to entertain this suit?

5. Points Nos. 1 and 2: It is not disputed that the plaintiff was a ration shop keeper holding Licence No. 51 for the ration shop maintained in Hosabettu village. It is also the common case that there was de-rationing and the ration shop of the plaintiff was closed on 1-1-1951 and on that date the plaintiff was holding a stock of 25 muras 33 seers and 1½ pavus of rice and 6 muras of paddy. It is also the common case that on 12-5-51, the plaintiff's shop was converted into a Fair price shop till 26-8-1951. The case of the plaintiff is that immediately ~~on the closing~~ closing his ration shop on 1-1-1951, the defendant should have taken delivery of the rice stock which was with him. As the defendant has not taken delivery of rice stock, the rice has deteriorated and hence there was a shortage of 3 muras 30.3/4 seers of rice and 2 muras and 4 seers of paddy. The plaintiff claims the price of the said rice which according to him is Rs. 83-2-3. The plaintiff also claims interest of Rs. 6-5-0 on this sum from 26-8-51 till the date of plaint and he also claims future interest. So the question for consideration is whether there was shortage and whether the shortage was on account of negligence of the defendant in not taking delivery of the rice in time,

6. It appears from the petitions sent by the plaintiff, copy of which are marked as Exhibits A1, A2, and A4 that the plaintiff was requesting that the rice stock with him should be taken back as early as possible. But in fact, the Revenue Inspector has sent a letter as per Exhibit A5 dated 7-7-1951.asking the plaintiff to deliver the stock with him to the S.K.C.C.W. Stores, Surthal. But the plaintiff contends that without a ration authority anart from the letter Exhibit A5, he could not have delivered rice to the stores. I do not think that this contention can be accepted because admittedly after the de-rationing in the year 1951, there was no restriction for the movement of rice and the plaintiff could have taken rice to the stores in view of the letter written by the Revenue Inspector. It appears from Exhibit A5, that a copy of the said letter also was sent to the Agent of the S.K.C.C.W. Stores at Surathkal. P.W.I the plaintiff says that even if the agent of the S.K.C.C.W. Stores was prepared ~~was prepared~~ to accept ~~the~~ he would not have delivered the stock as it was not his business to deliver rice to the stores but the defendent should have taken delivery of the rice from his depot. Whatever that may be ~~xxxx~~ we have to first see whether the shortage caused to the plaintiff is true. The only evidence on behalf of the plaintiff to prove the shortage is his stock book and sales book marked as Exhibits A8 and A9 respectively and the oral evidence of the plantiff P.W.I. The entries in the stock book and the sales book is a self serving statement and the plaintiff is not entitled to rely upon the entries in his own book. There is no independent and disinterested evidence on record to show that there was a shortage on account of natural causes or on account of the negligence of the defendent, Exhibit B2 is the indent dated 8-7-51. In Exhibit B2, the plaintiff has declared his stock. It appears from Exhibit. B2 that on 8-7-51, the plaintiff held a stock of 14 muras and 25 seers and half a pavu of rice and 6 muras of paddy. On 8-7-51, the plaintiff was holding a stock as a Fair Price shop keeper on behalf of

p.t.o.

of the defendant. His Fair Price shop was closed on 26-8-51 i.e. one month and 12 days after the date of Exhibit B2. Within this short period of one month and 12, the plaintiff has shown the shortage of 3 muras and 9-3/4 seers of rice and 2 muras and 3-1/4 seers of paddy as can be seen from Exhibit A7. The plaintiff's case is that the shortage of 3 muras and 9-3/4 seers of boiled rice and 21 seers of raw rice and 2 muras and 3-1/4 seers of paddy was during the period from 1-1-51 to 26-8-51. But the plaintiff has admitted in Exhibit B2 that on 8-7-51, he had a stock of 14 muras and 25 seers and half of a pavu of rice and 6 muras of paddy. The shortage being only 3 seers and 7/8 pavu. It is too much for the plaintiff to contend that there was such a large shortage during that short period.

7. According to the plaintiff the rice supply to him was of a poor quality and it was wet and hence the deficit. The rice was supplied to the plaintiff in October or November, 1950. If the rice was of a poor quality the plaintiff should not have either accepted it or would have to accepted it with protest. There is no such protest or information given to the authorities concerned as to the quality of rice delivered to him. Atleast while he was appointed as Fair Price shop keeper, on 12-5-51, he should have declared his stock and shown the deficit. He has not done so. He has continued as a Fair Price shop keeper from 12-5-51 upto 26-8-51 on which date rice was taken delivery of from him. Till 26-8-51 when he was the Fair Price shop keeper, the plaintiff has not even moved his little finger to show that there was any deterioration or shortage in the rice in his possession. Suddenly when his Fair Price shop was closed he comes out with this claim. The reason for making this claim can be made out from the answer given by P.W.I. the plaintiff in the course of his cross examination. P.W.I. says that if his shop were to be continued as a Fair Price shop he would not have claimed damage or rent. That means the plaintiff has filed the suit as his shop was not continued as a fair price shop, but two other shops were opened, one in Surthal and another in Pananbur. This much have irritated the plaintiff to file this suit. Therefore I hold under point No. 2 that the shortage claimed by the plaintiff is not true.

8. So far as the rent is concerned it is the case of the plaintiff that as he was made to keep the rice in his shop from the period from 1-1-51 to 26-8-51 he is entitled to claim the rent. But it must be remembered that though the plaintiff's ration shop was closed on 1-1-51, the very same shop was converted into a fair price shop from 12-5-51 to 26-8-51. On the date when the fair price shop was closed, the entire stock was taken back by the defendent. So during the period from 12-5-51 to 26-8-51, the plaintiff was not holding the stock unnecessarily. But he was already appointed as a fair price shop keeper. Further the plaintiff has not proved that there is any agreement between him and the defendent to pay the rent of the room in which the ration shop or fair price shop was situated. Therefore I hold under point No. 1 that the plaintiff is not entitled to the rent claimed in the suit.

9. It is also contended by the defendent that under the Essential Supplies (Temporary Powers) Act, 1946 that no suit or legal proceedings can be taken against the Crown for any damage caused or likely to be caused by anything which is in good faith done or intended to be done; in pursuance of any order made under section 3 of the said Act. It is not necessary to consider that legal question in view of my finding that the plaintiff has not proved his case to claim the damage

10. Points Nos. 3 and 4: The defendant has not shown how the notice issued as per Exhibit A10 is not in accordance with law. It is also not shown how this court has no jurisdiction to entertain this suit. I therefore, hold under these issues that the notice issued on behalf of the plaintiff is in accordance with law and this court has got jurisdiction to entertain this suit.

11. In the result the suit fails and is dismissed with costs.

Dictated to shorthand writer, transcribed by him revised by me and pronounced in open court, this the 23rd day of July, 1953.

Sd/K.C.Hegde. Principal Small Cause Judge.

True copy.

APPENDIX OF EVIDENCE:

Exhibits marked for the plaintiff.

A1.	2-1-1951	Petition to the Tahsildar by the Plaintiff
A2	24-1-1951	Petition by the Plaintiff to the Collector of South Kanara.
A3	24-1-1951	Postal certificate.
A4	9-7-1951	Petition to the Collector of S.Kanara by the Plaintiff.
A5	7-7-1951	L.Dis. I.R.13/61 dated 7-7-1951.
A6	24-8-1951	Ration Authority No. 310 issued to S.K.C.C.W. Stores.
A7.	26-8-1951	Receipt passed by Depot Agent S.K.C.C.W. Stores.
A8.	1951	Stock book of Hosabettu village, Surathkal maintained by the plaintiff.
A9.	1950-51	Sales book from 17-12-1950 maintained by the plaintiff.
A10	1-5-52	Notice given to the defendant under section 80 of C.P.C.
A11	17-6-1952	Proceedings of the Collector of S.K. in Ref. A.3. 12762/1952.

EXHIBITS MARKED FOR THE DEFENDANT:

B1.	11-7-1945	Agreement copy executed by the plaintiff
B2.	8-7-1951	Distribution indent.

Witnesses examined.

For Plaintiff Sri H. Srinivasa Rao.

For Defendant None.

Sd/K.C.Hegde Principal Small Cause Judge.

True copy.

S. Raghupathi
Asst. Superintendent

Copy of letter Ref.No. 823/53 dated 10-9-53 from Sri B. Gangadhar Das, B.A., B.L., Advocate and Government Pleader, South Kanara to the Collector of South Kanara.

..

Small Cause Suit - No. 741/52 on the file of the District Munsif of Mangalore - Sending of certified copy of Judgment and decree - requesing for special fees.

..

This was a suit filed by one H. Srinivas Rao, who was a Ration Dealer at Suratkal against the State of Madras represented by the Collector of South Kanara. The amounts claimed by him was only Rs. 178-3-0 and the suit was of a small cause nature. Hence, the court has awarded a Pleader's Fee of Rs. 8-15-0.

2) I am herewith sending a certified copy of the decree and judgment. Please acknowledge the receipt of the same.

3) In this connection I would like to inform you that though this was a small cause suit, I had to appear before the Court on 10 occasions as this suit was adjourned 9 times and I myself conducted this suit. Therefore, you will please realise the fact that Rs. 8-15-0 under the circumstances would be too little a sum to be given as my fees, though the Court, according to rules, has fixed that amount as the Pleader's Fees. Under the special circumstances ~~xxxxxx~~ stated above, I request you to be good enough to pay me at least a sum of Rs. 50/- as fees for this suit after obtaining necessary sanction from the Government. I need not intimate to you that Rs. 8-15-0 will not even cover up the expenses incurred by me in connection with this suit, viz. typing of statements, clerical charges etc.

4) I hope that you will be good enough to do the needful as early as possible.

Thanking you.

Yours faithfully,

Sd. B. Gangadhar Das.
Government Pleader S.K.

True copy.

S. Raghupathi.
Superintendent

B
29/3/54

IN THE COURT OF THE PRINCIPAL SMALL CAUSE JUDGE MANGALORE.

Present: Sri K. Chandrashekara Hegde B.A.LL.B.
Principal Small Cause Judge.

Tuesday the 23rd day of July, 1953.

Small Cause suit No. 741 of 1952.

Between:

H.Srinivasa Rao son of Sesha Krishnayya
Landholder residing at Hosabettu village
Mangalore taluk. Plantiff.

and

Provincial Government, the State of Madras
represented by the Collector of South Kanara
District is a Provincial Government the State
of Madras represented by the Collector of
South Kanara with the office at Collector's
compound Mangalore. Defendent.

1. Claim for Rs. 178-3-0 being the damages caused to the plaintiff on account of the negligence of the defendant in not taking delivery of the rice and paddy in time and also claiming room rent due to the plaintiff.

2. The cause coming on for final hearing on 10th day of July 1953 before me in the present of Sri K. Narasimha Holla Advocate for the plaintiff, and of Sri B. Gangadhar Das Government Pleader and advocate for the defendant and having stood over the consideration till this day it is ordered that the plaintiff suit be and the same hereby is dismissed and that the plaintiff do pay to the defendant Rs. 8-15-0 the costs of this suit as taxed by the officer of the court with interest thereon at 6 per cent per annum from this date to the date of realization.

COSTS OF SUIT:

Plaintiff	Amount			Defendant	Amount.		
Stamp for plaint	13	8	0	Stamp for power	0	0	0
do for power	1	0	0	-do- for petitions	0	0	0
do- for exhibits	0	0	0	Pleaders' fee	8	15	0
Pleaders' fee	8	15	0	Subsistence for witnesses.			
Subsistence for witnesses	1	12	0	Service of process			
Petition fees	0	12	0	Commissioner's fee			
Service of process	3	0	0				
Process writing fees	0	8	0				
Total:	29	7	0		8	15	0

p.t.o.

12

Given under my hand and the seal of the court this 23rd day of July, 1953.

Sd/K.C.Hegde.Principal Small Cause Judge.

True copy.

S. Raghupathi
Superintendent
29.3.54

Pl. Grant
DMK
11/4/54

T. Boy
Draft
14/4/54.

NR
3/5/54

Agri (A III)
13

Memo No. 41337 A III/54 - 1 Dt 12.4.54.

Subs.. Smts - S. Kamara & - Mangalore tqr - Horabetta Vge - S.C. No 741/52 on the Dt. Munsiff of Mangalore - Gratis. Pleader's fee - payment at enhanced rate - Collr's report - called for.

Ref. From the Bd. of Rev (CS) Ref. No. 12576/U4/54-1 Dt/25/3/54

The Bd. of Rev (C-S) is requested to send a copy of S. Kamara Collr's ref. Spl CB 17/53 A-3 of 13.2.54 quoted in the ref.

R.T.O

2
-14.

cted as the same has
not been revoked here.

JWZ
12-4-54

SM
12-4-54

SLR
12-4-54

To
The Bd. of Rev
(C-5)

54182

BOARD OF REVENUE (CIVIL SUPPLIES)
SUBJECT

SUITS - South Kanara district. Mangalore taluk - Hosabetti village- S.C. No.741/52 on the District Munsiff of Mangalore Government pleader's fee - Payment at enhanced rate- Certain particulars submitted.

Board's Ref 12576 U4/54 C3 dated 24-4-1954.

From

SRI M.V. SUBRAMANIAN I.C.S.,
Commissioner of Civil Supplies.
***

SRI K. GOPALA MENON I.A.S.,
Secretary to the Commissioner of
Civil Supplies and Food Production.
***

THIRD ASSISTANT SECRETARY
28 APR 1954
AGRICULTURE DEPARTMENT

Read: Government Memo 41337 A III/54-1 (Agrl) dated 12-4-1954.

A copy of the report Number Special CB 17/53. A3 dated 13-2-1954 received from the Collector of South Kanara is submitted to the Government as desired.

for SECRETARY.

To the Secretary to the Government,
Agriculture Department, Madras
(with enclosure.)

msa.24.4.

Copy of letter No.Spl. C.B. 17/55-A3 dated 13-2-1954 from the Collector of South Kanara to the Secretary to Government, Home Department Madras through the Secretary to the Board of Revenue Civil Supplies, Madras.

Sir,

SUIT : South Kanara district- Mangalore taluk - Honabettu village- O.C. 741/52 on the file of the District Munsif of Mangalore Pleader's fee- Payment at higher rate- sanction- Request.

Ref: 1. Board's Reference No.36581.U.4 /53 C5 dated 24-5-1953.

....

The defence of the suit O.C. 741/52 on the file of the District Munsif of Mangalore was sanctioned by the Board in the Board's reference cited. The suit was dismissed with costs and the copies of the decree and judgment were submitted to the Board with this office report Ref. Spl. C. B. 17/53-A3 dated 23-9-53 in reply to Board's Ref. 36581.U.4 /53 C5 dated 22-7-1953.

2. The suit was a small cause suit and the value of the relief claimed was only Rs.178-8-0 and accordingly the court has awarded Pleader's fee of Rs.8-15-0. But the Government Pleader reports that he had to appear before the court on 10 occasions as the suit was adjourned 9 times and requests that he may be paid at least Rs.50/- as fee for conducting the defence of the suit. A copy of the Government Pleader's letter Ref. No.823/53 dated 10-9-53 is enclosed.

3. A perusal of the judgment would show that there was considerable work for the Government Pleader who appeared on behalf of the defendant - Government. Four issues were framed by the court and the Government Pleader had to appear before the court on 10 occasions. In the circumstances the regulation fee of Rs.8-15-0 fixed by the court appears to be too meagre and there is justification to pay an enhanced fee of at least Rs.50/- to the Government Pleader. I therefore recommend that sanction may be accorded under note 3 to G.O.12(2) of the Manual Precis of G.Os relating to Law officers as amended in G.O.Ms. No.1589 Home dated 13-5-1953 for the payment of an enhanced fee of Rs.(50/-) thirty only to the Government Pleader South Kanara for conducting the defence of the suit, as a special case. Copies of the decree and judgment are enclosed for reference.

/True copy/

S. Raghupathi
Superintendent

Agri (Ats.)

Memo No. 41337 Ats/54-4 dated 26-6-54

Subj: Suits – South Kanara Dt. – Mangalore taluk – Hosabettu village – S.C. No. 741/52 on the file of the District Munsiff of Mangalore – Govt. Pleader's fee – Payment at enhanced rate – Sanctioned.

Ref: 1) From the collector of S. Kanara Ref: Spl. C'Bs. 17/53 A3. d. 13.2.54

2) From the Bd. of Rev (C.S.) 12576/U4/54-1 (C.S.) d. 25.3.54

In the circumstances reported by the collector of S. Kanara (accepted the recommendation by the Bd. of Rev (C.S.)) Govt. sanction the payment of a sum of Rs. 30/- (Rupees thirty only) as a special case, to the Govt. Pleader, S. Kanara for the work connected with the defence of suit S.C. No. 741/52 on the file of the District Munsiff's Court, Mangalore.

2. The expenditure should be debited to "27. Administration of Justice – b. Law Officers – 3. Allowances and Honoraria – Fee to Advocate General and

Govt. Bleaders "Voted"

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C110 41337/54

Agri (A.III.)

Sub: Suits - S.Kanara district - Mangalore taluk - Hosabettu village - S.C.No.741/52 - on the Dt. Munsiff of Mangalore - Govt. Pleader's fee - Payment at enhanced rate - Sanctioned.

Ref: From the Collector of South Kanara Ref.Spl. CB.17/53 A.3 dated 13-2-54.
From the Bd. of Rev.(C.S.) 12576-U4/54-1, (CS) dated 25-3-54.

Please see the Collector's letter on page 17 c.f., and the Board's reference together with a copy of Judgment at pages 1-7 c.f. In connection with the defence of the suit S.C.741/52 on the file of the District Munsiff of Mangalore, which was dismissed with costs the Govt. Pleader, South Kanara appeared on behalf of the Govt. as defendant. The suit was a small cause suit and the value of the relief claimed was only Rs.178-3-0 and accordingly the Court has awarded Pleader's fee of Rs.8-15-0.

2. Nevertheless, as the Govt. Pleader had to appear before the Court on ten occasions and as there was considerable work for the Govt. Pleader in connection with the defence of the suit, the Govt. Pleader has requested for the payment of atleast Rs.50/- as his fees. The Collector of South Kanara recommends the payment of a fee of Rs.30/-, as a special case, to the Govt. Pleader. The Board supports the Collector's recommendation. In the circumstance explained in the Collector's letter on page 17 c.f. and the Board's reference on page 1 c.f., Board's recommendation may be accepted and a sum of Rs.30/- may be sanctioned as a special case as Pleader's fee. ~~A draft memo is submitted~~.

Home and Finance may see for remarks

ASSISTANT SECRETARY TO GOVERNMENT
21 MAY 954
HOME DEPARTMENT

71767

Agri n.o. No.21.5
41337 A III/54
dt. 20.5.54

41337 Ans/54 F

Home (Ch. I)

~~the note of Agri. Dept at p1 above may be perused. and the file passed on to Finance Dept.~~

4/5/54. Normally the G.P shd. be allowed the fee which the Court decrees. In exceptionally difficult cases, fees at rate higher than the regulation fee or the fee allowed by the Ct. may be paid. Tho' the suit in question was a small cause in character, the work connected with the defence appears to be strenuous, as will be evident from the perusal of the judgment. In the circs, the regulation fee allowed by the Court would appear to be inadequate. The proposal of the collector, supported by the Bd., for an enhanced fee of Rs. 30/- may be accepted.

The Case may be passed on to Fin.

21.5.54

24/5/54

Fin (Plg)

Home 00 7176 dt. 26.5.54

The notes of Agri. and Home on pp 1-2 above may be perused. In the circumstances reported by the Board, the proposal of Agri. for sanctioning an enhanced fee of Rs 30/- for the Govt. Pleader may be accepted in finance. The case may be returned to Agri.

26.5.54

26/5/54.

26.5.54

Agri

706 Fin. dt. 27-5-54-Plg.-I

26.5.54.

Agri.

DEPUTY SECRETARY TO GOVERNMENT
24 MAY 1954
FINANCE DEPARTMENT
27 MAY 1954
AGRICULTURE DEPARTMENT

(Tc No 82913/56)

41337 AIII/54

20 A.S.-

Notes of Home and Fin Depts from p 2 above may be perused. Home dept. have agreed to this Dept's proposal at "A" on p 1 above.

A draft memo is submitted below for approval. Home and Fin may perhaps see before issue.

Sen 10-6-54 SM 11.6.54

SR 10/13 6/54

Home / Fin

ASIII/Home

Fin

Agri no 41337 AIII/54-3 14/6/54

Home (Cls. I) Deptt.

(Previous note of this deptt. on p. 2 ante.)

The notes of Finance and Agri on pp. 2-3 above and the draft memo below may be perused and the file passed on to Finance.

Home no 82913/56 Cls-1 22 6 54

Sen 21/6/54. 21/6/54

Fin (PIS) 21/6/54

(Previous Finance note on P. 2 above)

The draft Memo below may be accepted in finance.

SR 23.6.54 Sen 24/6/54

SR 24.6.54

Agri

Fin-U.O. 6544-PIS-54-1 24.6.54

Sen SR 26/6/54

86692

ASSISTANT SECRETARY TO GOVERNMENT 82913 15 JUN 1954 C3 HOME DEPARTMENT

DEPUTY SECRETARY TO GOVERNMENT 6544 22 JUN 1954 FINANCE DEPARTMENT

THIRD ASSISTANT SECRETARY 26 JUN 1954 AGRICULTURE DEPARTMENT